

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Jorge Antonio Ramirez,
Petitioner,

v.

Ryan Thornell, et al.,
Respondents.

No. CV-23-00114-TUC-JGZ

ORDER

Pending before the Court is a Report and Recommendation issued by United States Magistrate Bruce G. Macdonald. (Doc. 14.) Magistrate Judge Macdonald recommends denying Petitioner's § 2254 Petition for Writ of Habeas Corpus. (*Id.*)

A review of the record reflects that the parties have not filed any objections to the Report and Recommendation and the time to file objections has expired. As such, the Court will not consider any objections or new evidence.

Upon review of the record, the Court will adopt Magistrate Judge Macdonald's recommendations. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Thomas v. Arn*, 474 U.S. 140, 149–54 (1985).

Before Petitioner can appeal this Court's judgment, a certificate of appealability (COA) must issue. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b)(1); Rule 11(a) of the Rules Governing Section 2254 Cases. "The district court must issue or deny a certification of appealability when it enters a final order adverse to the applicant." Rule 11(a) of the Rules Governing Section 2254 Cases. Pursuant to 28 U.S.C. § 2253(c)(2), a COA may

1 issue only when the petitioner “has made a substantial showing of the denial of a
2 constitutional right.” The court must indicate which specific issues satisfy this showing.
3 *See* 28 U.S.C. §2253(c)(3). With respect to claims rejected on the merits, a petitioner “must
4 demonstrate that reasonable jurists would find the district court’s assessment of the
5 constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
6 For procedural rulings, a COA will issue only if reasonable jurists could debate whether
7 the petition states a valid claim of the denial of a constitutional right and whether the court’s
8 procedural ruling was correct. *Id.* Upon review of the record in light of the standards for
9 granting a certificate of appealability, the Court concludes that a certificate shall not issue,
10 as the resolution of the petition is not debatable among reasonable jurists. Accordingly,

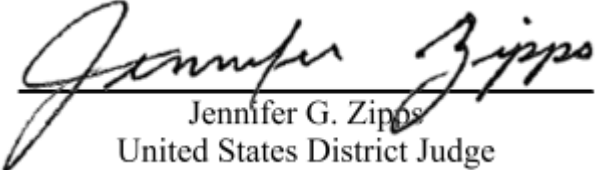
11 **IT IS ORDERED** Magistrate Judge Macdonald’s Report and Recommendation
12 (Doc. 14) is **accepted**.

13 **IT IS FURTHER ORDERED** Petitioner’s Petition for Writ of Habeas Corpus
14 (Doc. 1) is **denied**.

15 **IT IS FURTHER ORDERED** the Clerk of Court shall enter judgment accordingly
16 and close the file in this action.

17 Dated this 13th day of December, 2023.

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Jennifer G. Zippo
United States District Judge